UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

01 NOV 2005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Disposal of Crushed Concrete Coated with <50 ppm PCB-containing Paint

FROM: David Hannemann, Acting Branch Chief
Fibers & Organics Branch, National Program Chemicals Division

TO: Craig Brown, Regional PCB Coordinator – Region IV

You contacted this office for guidance regarding the disposal of crushed concrete that had been coated with paint containing PCBs at concentrations of less than 50 ppm PCB. Specifically, you wanted to know if this less than 50 ppm PCB-containing waste could be disposed of as is allowed for certain PCB bulk product waste containing PCBs at concentrations of ≥ 50 ppm under §761.62(d)(2) of the TSCA PCB regulations.

You described the scenario as follows: As part of their demolition plan, the Army Corps of Engineers (ACE) would like to dispose of crushed concrete that has been coated with PCB-containing paint at concentrations of <50 ppm under asphalt as roadbed material, similar to the provision at §761.62(d)(2) for certain PCB bulk product waste. This <50 ppm PCB waste material is to be disposed of exclusively at Cape Canaveral. Based on the information that was verbally provided to you by ACE, you believe that there was no other use of PCBs in the buildings being demolished; that is, you believe that there is no possibility of PCB contamination as a result of a spill of liquid PCBs. Therefore, you are seeking guidance as to whether this method of disposing of this <50 ppm PCB containing waste is allowed under the TSCA regulations.

Guidance is provided based on the anecdotal information that you provided, and the following assumptions:

1. The source of PCB contamination does not include spills of liquid PCBs. Otherwise, the waste would potentially be classified as *PCB remediation waste* and subject to the requirements at §761.61.

2. The disposal of <50 ppm PCB waste material that is similar in nature to PCB bulk product waste (e.g., non-liquid building demolition debris) presents no greater risk than disposing of PCB bulk product waste that consists of non-liquid PCBs at concentrations of ≥50 ppm.
3. This guidance might not be valid if the factual pattern as described above is not accurate.

After a review of the regulatory requirements and discussions with the Offices of General Counsel and Enforcement Compliance and Assurance, we have determined that:

a. The waste in question is not regulated as PCB bulk product waste due to the <50 ppm PCB source of the waste. PCB bulk product waste is derived from manufactured products containing PCBs in a non-liquid state at concentrations of ≥50 ppm (see the full definition at §761.3). That is, under the TSCA requirements, the waste is not regulated for disposal. However, the Agency has also previously stated that "where materials contain less than 50 ppm PCBs, their 'unregulated disposal' status does not mean that EPA has authorized their indiscriminate dumping or unrestricted use. The Agency construes 'unregulated disposal' as meaning that disposal need not occur in TSCA regulated disposal processes." (See the preamble at pp. 25846-25847 of the July 8, 1987 PCBs; Exclusions, Exemptions and Use Authorizations; Proposed Rule, 52 FR 25838.)

b. In the preamble discussion of the disposal of certain PCB bulk product waste as daily landfill cover or roadbed (see p. 35412, paragraph d. of the Disposal of PCBs; Final Rule, June 29, 1998, 63 FR 35384), EPA indicated that "Because these disposal options have been restricted to materials that do not leach and because other potential routes of exposure have been controlled, EPA has concluded that the risk from these disposal options is the practical equivalent of disposal in a landfill as required in §761.62(b)(1), and therefore that this risk is not unreasonable. Both of these potential disposal approaches can also be addressed in a risk-based disposal application under §761.62(c)." Based on the information provided, and the assumptions noted above, we believe that this rationale also applies to the <50 ppm waste at issue here.

c. We therefore believe that disposal of the above described, less than 50 ppm PCB-containing waste, under asphalt as roadbed on the grounds of Cape Canaveral is an acceptable method of disposal for this material.

Please call Peggy Reynolds at 202-566-0513 if you have questions or require additional information.

cc: Regional PCB Coordinators, Regions I-III and V-X

01 NOV 2005

MEMORANDUM

SUBJECT: Disposal of Crushed Concrete Coated with <50 ppm PCB-containing Paint

FROM: David Hannemann, Acting Branch Chief
Fibers & Organics Branch, National Program Chemicals Division

TO: Craig Brown, Regional PCB Coordinator – Region IV

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You described the scenario as follows: As part of their demolition plan, the Army Corps of Engineers (ACE) would like to dispose of crushed concrete that has been coated with PCB-containing paint at concentrations of <50 ppm under asphalt as roadbed material, similar to the provision at §761.62(d)(2) for certain PCB bulk product waste. This <50 ppm PCB waste material is to be disposed of exclusively at Cape Canaveral. Based on the information that was verbally provided to you by ACE, you believe that there was no other use of PCBs in the buildings being demolished; that is, you believe that there is no possibility of PCB contamination as a result of a spill of liquid PCBs. Therefore, you are seeking guidance as to whether this method of disposing of this <50 ppm PCB containing waste is allowed under the TSCA regulations.

Guidance is provided based on the anecdotal information that you provided, and the following assumptions:

1. The source of PCB contamination does not include spills of liquid PCBs. Otherwise, the waste would potentially be classified as *PCB remediation waste* and subject to the requirements at §761.61.

CONCURRENCES

SYMBOL	2333A	7333A	2245A					
SURNAME	Medici	Herrero	Gardner					
DATE	10/19/05	10/19/05	10/21/05					

EPA Form 1320-1A (1/90) OFFICIAL FILE COPY

REYNOLDS:pr:OPPT-NPCD-FOB:10/17/2005:4353NN-ICC:c:R4 disposal scenario:wpd:FILES–FOB/AUTHOR/
SUBJECT:Disposal of <50 non-liquid PCB waste as roadbed:KEY WORDS: Disposal / <50 ppm waste / Roadbed / 761.62(d)(2)

2. The disposal of <50 ppm PCB waste material that is similar in nature to PCB bulk product waste (e.g., non-liquid building demolition debris) presents no greater risk than disposing of PCB bulk product waste that consists of non-liquid PCBs at concentrations of ≥50 ppm.
3. This guidance might not be valid if the factual pattern as described above is not accurate.

After a review of the regulatory requirements and discussions with the Offices of General Counsel and Enforcement Compliance and Assurance, we have determined that:

a. The waste in question is not regulated as PCB bulk product waste due to the <50 ppm PCB source of the waste. PCB bulk product waste is derived from manufactured products containing PCBs in a non-liquid state at concentrations of ≥50 ppm (see the full definition at §761.3). That is, under the TSCA requirements, the waste is not regulated for disposal. However, the Agency has also previously stated that "where materials contain less than 50 ppm PCBs, their 'unregulated disposal' status does not mean that EPA has authorized their indiscriminate dumping or unrestricted use. The Agency construes 'unregulated disposal' as meaning that disposal need not occur in TSCA regulated disposal processes." (See the preamble at pp. 25846-25847 of the July 8, 1987 PCBs; Exclusions, Exemptions and Use Authorizations; Proposed Rule, 52 FR 25838.)

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c. We therefore believe that disposal of the above described, less than 50 ppm PCB-containing waste, under asphalt as roadbed on the grounds of Cape Canaveral is an acceptable method of disposal for this material.

Please call Peggy Reynolds at 202-566-0513 if you have questions or require additional information.

cc: Regional PCB Coordinators, Regions I-III and V-X

Jeffrey Herrema/DC/USEPA/US
10/14/2005 05:14 PM

To Peggy Reynolds/DC/USEPA/US@EPA
cc Dave Hannemann/DC/USEPA/US@EPA
bcc
Subject Re: Disposal of <50 Waste

History: This message has been replied to.

PRIVILEGED AND CONFIDENTIAL

Peggy,

I have some comments in blueline/strikeout in the attached, if it is not too late. Sorry it took a while to get back to you. I was out of the office last Friday and most of this week. Call me if you have any questions.

R4 disposal scenario.jmh cmnts.wpd

Jeffrey Herrema
EPA Office of General Counsel
Mail Code 2333A
1200 Pennsylvania Ave. NW
Washington, DC 20460
(202) 564-7388
(202) 564-5644 (fax)
Peggy Reynolds/DC/USEPA/US

Peggy Reynolds/DC/USEPA/US
10/06/05 04:16 PM

To Jeffrey Herrema/DC/USEPA/US@EPA, Dave Hannemann/DC/USEPA/US@EPA
cc
Subject Disposal of <50 Waste

Jeff: I have gotten comments from both Geraldine and Andrea and have modified the draft reply to R4 which is attached for your review (changes are in redline). In revising the response, I also removed the first assumption (re: excluded PCB product), so that there are now 3 assumptions. Since we have determined that this would be "disposal" rather "use" of <50 ppm, I don't think the former first assumption is needed.

Dave: Shouldn't this go out to Craig under your signature as Acting B/C? Should I change the format so that it is a memo rather than a note?

R4 disposal scenario.wpd

October xx, 2005

NOTE TO: Craig Brown

D - R - A - F - T

FROM: Peggy Reynolds {shouldn't this be FOB, D. Hannemann}

RE: Disposal of Crushed Concrete Coated with <50 ppm PCB-containing Paint

You contacted this office for guidance regarding the disposal of crushed concrete that had been coated with paint containing PCBs at concentrations of less than 50 ppm PCB. Specifically, you wanted to know if this less than 50 ppm PCB-containing waste could be disposed of as is allowed for certain PCB bulk product waste containing PCBs at concentrations of ≥50 ppm under §761.62(d)(2) of the TSCA PCB regulations.

You described the scenario as follows: As part of their demolition plan, the Army Corps of Engineers (ACE) would like to dispose of crushed concrete that has been coated with PCB-containing paint at concentrations of <50 ppm under asphalt as roadbed material, similar to the provision at §761.62(d)(2) for certain PCB bulk product waste. This <50 ppm PCB waste material is to be disposed of exclusively at Cape Canaveral. Based on the information that was verbally provided to you by ACE, you believe that there was no other use of PCBs in the buildings being demolished; that is, you believe that there is no possibility of PCB contamination as a result of a spill of liquid PCBs. Therefore, you are seeking guidance as to whether this method of disposing of this <50 ppm PCB-containing waste is allowed under the TSCA regulations.

Guidance is provided based on the anecdotal information that you provided, and the following assumptions:

1. The source of PCB contamination does not include spills of liquid PCBs. Otherwise, the waste ~~would~~ could potentially be classified as *PCB remediation waste* and subject to the requirements at §761.61.
2. The disposal of <50 ppm PCB waste material that is similar in nature to PCB bulk product waste (e.g., non-liquid building demolition debris) presents no greater risk than disposing of PCB bulk product waste that consists of non-liquid PCBs at concentrations of ≥50 ppm. [I'm not sure how relevant this is given that 50 ppm is not a risk-based number. Have we ever characterized the risk of disposal of the waste covered by 761.62(d)(2) under roadbeds? If not, then how is one to know if disposal of the < 50 ppm waste at issue here presents no greater risk than disposal of the 50 ppm or greater waste already allowed under the regs? Also, this seems to suggest that the Corps would have to do a risk assessment to characterize the risk of disposing of this waste in the proposed way. Is that what we are saying?]
3. This guidance ~~is~~ might not be valid if the factual pattern as described above is not accurate.

2/3

After a review of the regulatory requirements and discussions with the Offices of General Counsel and Enforcement Compliance and Assurance, we have determined that:

a. The waste in question is not regulated as PCB bulk product waste due to the <50 ppm PCB source of the waste. PCB bulk product waste is derived from manufactured products containing PCBs in a non-liquid ~~PCBs~~ state at concentrations of ≥50 ppm (see the full definition at §761.3). That is, under the TSCA requirements, the waste is not regulated for disposal. However, the Agency has also previously stated that "where materials contain less than 50 ppm PCBs, their 'unregulated disposal' status does not mean that EPA has authorized their indiscriminate dumping or unrestricted use. The Agency construes 'unregulated disposal' as meaning that disposal need not occur in TSCA regulated disposal processes." (See the preamble @ pp. 25846-25847 of the July 8, 1987 PCBs; Exclusions, Exemptions and Use Authorizations; Proposed Rule, 52 FR 25838.)

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c. We therefore believe that ~~D~~disposal of the above-described, less than 50 ppm PCB-containing waste, under asphalt as roadbed on the grounds of Cape Canaveral is an acceptable method of disposal for this material.

Please call me at 202-566-0513 if you have questions or require additional information.

cc: Regional PCB Coordinators

c:My documents:R4 disposal scenario.wpd:10/4/05
w/Geraldine & Andrea's cmts

Andrea's markup 10/11/05

September xx, 2005

NOTE TO: Craig Brown

D - R - A - F - T

FROM: Peggy Reynolds

RE: Disposal of Crushed Concrete Coated with <50 ppm PCB-containing Paint

You contacted this office for guidance regarding the disposal of crushed concrete that had been coated with ~~containing dried PCB~~ paint containing PCBs at concentrations of less than 50 ppm PCB. Specifically, you wanted to know if this less than 50 ppm PCB-containing waste could be disposed of as is ~~done~~ allowed for PCB bulk product waste containing PCBs at concentrations of ≥50 ppm under §761.62(d)(2) of the TSCA PCB regulations.

You described the scenario as follows: As part of their demolition plan, the Army Corps of Engineers (ACE) would like to dispose of crushed concrete that has been coated with PCB-containing paint at concentrations of <50 ppm under asphalt as roadbed material, similar to the provision at §761.62(d)(2) for PCB bulk product waste. This <50 ppm PCB waste material is to be disposed of exclusively at Cape Canaveral. Based on the information that was verbally provided to you by ACE, you believe that there was no other use of PCBs in the buildings being demolished; that is, there is no possibility of PCB contamination as a result of a spill of liquid PCBs. Therefore, you are seeking guidance as to whether this method of disposing of <50 ppm PCB containing waste is allowed under the TSCA regulations~~?~~.

Guidance is provided based on the anecdotal information that you provided, and the following assumptions:

1. The coating of dried paint meets the criteria of an *Excluded PCB product* at §761.3. ***{This may not be relevant since we are calling it disposal.}***
2. The source of PCB contamination does not include spills of liquid PCBs. Otherwise, the waste would be classified as *PCB remediation waste* and subject to the requirements at §761.61.
3. The disposal of <50 ppm PCB waste material that is similar in nature to PCB bulk product waste (e.g., non-liquid building demolition debris) presents no greater risk than disposing of PCB bulk product waste that consists of non-liquid PCBs at concentrations of ≥50 ppm.
4. This guidance is not ~~rescinded~~ valid if the factual pattern as described above is not accurate.

After a review of the regulatory requirements and discussions with the Offices of General Counsel and Enforcement Compliance and Assurance, we have determined that:

a. The waste in question is not regulated as PCB bulk product waste due to the <50 ppm PCB source of the waste. PCB bulk product waste is derived from non-liquid PCBs at concentrations of ≥50 ppm (see the full definition at §761.3). That is, under the TSCA requirements, the waste is not regulated for disposal. The Agency has previously stated that "where materials contain less than 50 ppm PCBs, their 'unregulated disposal' status does not mean that EPA has authorized their indiscriminate dumping or unrestricted use. The Agency construes 'unregulated disposal' as meaning that disposal need not occur in TSCA regulated disposal processes." (See the preamble @ pp. 25846-25847 of the July 8, 1987 PCBs; Exclusions, Exemptions and Use Authorizations; Proposed Rule, 52 FR 25838.)

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c. Disposal of the above described, less than 50 ppm PCB-containing waste, under asphalt as roadbed on the grounds of Cape Canaveral is an acceptable method of disposal for this material.

Please call me at 202-566-0513 if you have questions or require additional information.

cc: Regional PCB Coordinators

c:My documents:R4 disposal scenario.wpd:9/22/05

to Jeff, Cindy, Geraldine } 9/16

September xx, 2005

NOTE TO: Craig Brown

FROM: Peggy Reynolds

RE: Disposal of Crushed Concrete Coated with <50 ppm PCB-containing Paint

You contacted this office for guidance regarding the disposal of crushed concrete containing dried PCB paint at concentrations of less than 50 ppm PCB. Specifically, you wanted to know if this less than 50 ppm PCB-containing waste could be disposed of as is done for PCB bulk product waste at concentrations of ≥50 ppm under §761.62(d)(2) of the TSCA PCB regulations.

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Guidance is provided based on the anecdotal information that you provided, and the following assumptions:

1. The coating of dried paint meets the criteria of an *Excluded PCB product* at §761.3. ***{This may not be relevant since we are calling it disposal.}***
2. The source of PCB contamination does not include spills of liquid PCBs. Otherwise, the waste would be classified as *PCB remediation waste* and subject to the requirements at §761.61.
3. The disposal of <50 ppm PCB waste material that is similar in nature to PCB bulk product waste (e.g., non-liquid building demolition debris) presents no greater risk than disposing of PCB bulk product waste that consists of non-liquid PCBs at concentrations of ≥50 ppm.
4. This guidance is ~~not~~ rescinded if the factual pattern as described above is not accurate.

delete

After a review of the regulatory requirements and discussions with the Offices of General Counsel and Enforcement Compliance and Assurance, we have determined that:

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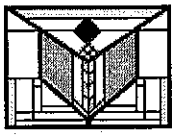
Please call me at 202-566-0513 if you have questions or require additional information.

cc: Regional PCB Coordinators

c:My documents:R4 disposal scenario.wpd:9/22/05



Dave Hannemann/DC/USEPA/US
09/14/2005 02:29 PM

To: Peggy Reynolds/DC/USEPA/US@EPA
cc: Andrea Medici/DC/USEPA/US@EPA, Jeffrey Herrema/DC/USEPA/US@EPA, Johnh Smith/DC/USEPA/US@EPA, Sara
bcc:
Subject: Re: Fw: What's your take?

History: This message has been replied to.

Peggy:

Let's set up a meeting with OGC to discuss.

Thanks

David
Peggy Reynolds/DC/USEPA/US

Peggy Reynolds/DC/USEPA/US
09/14/2005 11:53 AM

To: Dave Hannemann/DC/USEPA/US@EPA, Sara McGurk/DC/USEPA/US@EPA
cc: Andrea Medici/DC/USEPA/US@EPA, Jeffrey Herrema/DC/USEPA/US@EPA, Johnh Smith/DC/USEPA/US@EPA
Subject: Fw: What's your take?

PRIVILEGED AND CONFIDENTIAL ATTORNEY / CLIENT COMMUNICATION

Craig would like an answer by next week (since the Army Corps of Engineers is pressing him) on the use/disposal of crushed <50 ppm PCB-coated concrete as road bed. The Army is demolishing buildings on base and this material is the source of the crushed concrete. Their "intent" is to use the material solely on the military base(s) in Florida or at Cape Canaveral. I had raised concerns about needing to explicitly authorize the use/disposal of <50 ppm PCB waste as road bed -- see the e-mail below. Craig questioned (and perhaps rightfully so) why the <50 would be an issue when we already have a 50 ppm/greater disposal provision for bulk product waste.

The answer may turn on the risk assessment for the Disposal Amendments for 761.62(d)(2). Unfortunately, the risk assessment only addresses the disposal of PCB bulk product waste at municipal and non-municipal non-hazardous landfills and the storage of PCB bulk product waste in piles (see Support Document #B3-022, p. 35). There is no mention in the risk assessment of the disposal of bulk product waste under asphalt as road bed material. As I recall, the 761.62(d)(2) provision was added late in the game at the suggestion of OMB and the -- guess who -- Army Corps of Engineers.

S-o-o, what advice should HQ give to the Regions on this issue? Do you want me to take any further action on this issue, perhaps, schedule a meeting with OGC?

Peggy Reynolds/DC/USEPA/US
09/13/2005 01:11 PM

To: Andrea Medici/DC/USEPA/US
cc: Jeffrey Herrema/DC/USEPA/US@EPA, Johnh Smith/DC/USEPA/US@EPA, Sara McGurk/DC/USEPA/US@EPA, Dave
bcc: Craig Brown/R4/USEPA/US@EPA
Subject: Fw: What's your take?

PRIVILEGED AND CONFIDENTIAL ATTORNEY / CLIENT COMMUNICATION

Hi Andrea: With respect to the question you raise below, you may be right -- I'm not a techie and don't necessarily disagree with your premise.

"Isn't there potentially more risk from < 50 ppm PCBs that came from liquids than from > 50 ppm PCBs that are bound in a solid
chemical matrix (like we expect for PCB bulk product waste)?"

However, I believe dried paint if it were 50 ppm/greater (rather than the <50 ppm in the scenario I described) would be considered bulk product waste rather than liquid waste; so, "risk" may not be an issue.

I'm wondering whether the record for the "marketing/distribution/burning" of <50 ppm used oil for energy recovery (761.20(e)) might be useful here. The Agency viewed the ***burning of used oil for energy recovery*** as *a use (see the proposed rule dated 7/8/87, 52 FR 25838 @ p. 25847, 1st column).* I found two statements that I believe to be on point. *Statement #1 ...* "EPA considers that burning PCB-containing used oil for energy recovery is a 'use' that is unauthorized under the current regulations" and Statement #2 ..."where an activity presents both 'use' and 'disposal' aspects, EPA may regulate the 'use' aspect at levels less than 50 ppm PCBs, despite the fact that PCB 'disposal' is generally unregulated at PCB concentrations under 50 ppm."

Unlike 761.62(d) which clearly describes the activity as disposal, I'm left wondering whether a rule might be required in order to allow the "disposal" of ***<50 ppm PCB-coated concrete*** as road bed.

Peggy Reynolds
Environmental Protection Specialist
USEPA/OPPTS/OPPT/NPCD/FOB
1200 Pa. Ave., NW (Mail Code 7404T)
Washington, DC 20460-0001
Telephone: 202-566-0513
Fax: 202-566-0473
reynolds.peggy@epa.gov

(B3-022)
Risk assess. looked at PCB bulk product waste
- disposal @ municipal & non-municipal non-haz. LF
- storage in pile
NOT USE AS ROAD BED! (p. 35)

----- Forwarded by Peggy Reynolds/DC/USEPA/US on 09/13/2005 10:30 AM -----

Andrea Medici/DC/USEPA/US R4-R34
09/09/2005 09:52 AM

To: Peggy Reynolds/DC/USEPA/US@EPA
cc: Jeffrey Herrema/DC/USEPA/US@EPA, Johnh Smith/DC/USEPA/US@EPA, Sara McGurk/DC/USEPA/US@EPA, Dave Hannemann/DC/USEPA/US@EPA
Subject: Re: What's your take?

Chemwatch

PRIVILEGED AND CONFIDENTIAL ATTORNEY / CLIENT COMMUNICATION
ATTORNEY WORK PRODUCT

Peggy --

My thoughts are similar to yours. I think that this would be disposal rather than use. If the contamination is the result of a regulated spill, then the concrete is PCB remediation waste, and needs some kind of approval under 761.61, even though the concentration is now< 50 ppm. I'm not sure I agree with your last bulleted point, although it's a technical question and I'll defer if you really believe that. Isn't there potentially more risk from< 50 ppm PCBs that came from liquids than from> 50 ppm PCBs that are bound in a solid chemical matrix (like we expect for PCB bulk product waste)?

Andrea
-----Peggy Reynolds/DC/USEPA/US wrote: -----

To: Jeffrey Herrema/DC/USEPA/US@EPA, Andrea Medici/DC/USEPA/US@EPA
From: Peggy Reynolds/DC/USEPA/US
Date: 09/08/2005 05:15PM
cc: Johnh Smith/DC/USEPA/US@EPA, Sara McGurk/DC/USEPA/US@EPA, Dave Hannemann/DC/USEPA/US@EPA
Subject: What's your take?

PRIVILEGED AND CONFIDENTIAL ATTORNEY / CLIENT COMMUNICATION

I received a call from one of the regional coordinators regarding a question on the use(or is it disposal) of concrete that had been coated with <50 ppm PCBs. The scenario goes like this. As part of a demolition plan, an entity would like to crush concrete that has been coated with PCB-containing paint at concentrations <50 ppm for use as roadbed material, similar to the provision at 761.62(d) for bulk product waste. Is this allowed under the TSCA regulations; and if so, would it be characterized as "use" or "disposal"? State regulations for <50 ppm PCBs may specify requirements for this material. Additionally, the region would require adequate characterization of the material to demonstrate the <50 ppm concentration (I assume prior to demolition/crushing).

I have spoken to a couple of people here in the office and we would respond as follows

- We think this could be characterized as "disposal" rather than "use". Although the use of <50 ppm PCBs is authorized as an excluded PCB product, assuming the conditions that apply have been met(e.g., the <50 ppm concentration is not the result of dilution, etc.), there is no specific use authorization for the subsequent "reuse" of crushed concrete coated with <50 ppm PCBs as roadbed material.
- The disposal of <50 ppm PCBs generally is not regulated under TSCA. However, if the concrete is contaminated due to a spill of regulated material, the provisions for PCB remediation waste come into play; e.g., a risk-based disposal would be required in order to pursue the roadbed disposal option.
- There is likely no more risk (perhaps less) of using <50 ppm PCB crushed concrete as roadbed material than there is in using bulk product waste from50 ppm/greater PCBs.

I was not able to do a search of CRB mail, so I can't say that this issue has come up previously and been addressed However, prior to responding to the Region, we thought it might be best to run the scenario by OGC and when responding include all caveats that might apply. For instance, we wouldn't want people treating <50 ppm PCB remediation waste in the same manner as excluded PCB product waste that has never been in contact with50 ppm/greater PCBs -- would we? The region does not have a specific "deadline" for getting back to this entity, but

would appreciate a response within the next couple of weeks if possible.

Peggy Reynolds
Environmental Protection Specialist
USEPA/OPPTS/OPPT/NPCD/FOB
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*** Please call me at 566-0513 for pick up.**

ROUTING SLIP

#	NAME	ACTION	INITIAL	DATE
1	JEFFREY HERREMA (concurrence) *	Concur	JMH	10/19/05
2	ANDREA MEDICI (concurrence) *	Concur	AM	10/19/05
3	G. GARDNER (concurrence) *	Concur	GG	10/21/05
4	DAVE HANNEMANN (signature)		DH	31 OCT 05
5				
6				

Nature of Item Being Routed: Reply to Region 4 Regarding their Request for Guidance on the Disposal of <50 ppm PCB Non-liquid Waste Under Asphalt as Roadbed Material

FOB staff received a call from Craig Brown in early September 2005 regarding the Army Corps of Engineers' (ACE's) desire to dispose of demolition debris consisting of PCB-painted concrete at concentrations of <50 ppm. The attached response has been coordinated with the Offices of General Counsel and Enforcement Compliance and Assurance.

Recommend signature.

Attachment

FROM:	DATE	TELE #	ROOM #
PEGGY REYNOLDS	10/17/05	566-0513	4353NN-ICC

* Peggy: Please send copies to 1) Jeff Herrema & Andrea Medici, OSW 2) Geraldine Gardner, OECA after Dave signs. Thanks! PR